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Paper No. 16

Dickstein Shapiro Morin and Oshinsky  
2101 L Street, N. W.  
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ON PETITION

In re Application of  
Kazuyasu Ohashi  
Application No. 09/988,793  
Filed: November 20, 2001  
Attorney Docket No. R2180.0113/P113

This is a decision on the petition under 37 CFR 1.137(b), filed August 25, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) 1.

The application became abandoned for failure to reply in a timely manner to the Notice of Drawing Inconsistency (Notice) mailed May 30, 2003, which set a period for reply of ONE (1) MONTH from the mail date of the Notice. Extensions of time under the provisions of 37 CFR 1.136(a) or (b) were not permitted. Accordingly, the application became abandoned on July 1, 2003.

Applicant's amendment filed with the instant petition will not be entered because it was filed after payment of the issue fee. 37 CFR 1.312 no longer permits filing an amendment after the date the issue fee has been paid. See MPEP 714.16. Accordingly, petitioner may wish to file a petition to withdraw from issue under 37 CFR 1.313(c)(2) and a Request for Continued Examination (RCE) under 37 CFR 1.114, if petitioner desires to have the amendment considered by the Examiner. Otherwise, petitioner should submit drawings that correct the inconsistency stated in the Notice mailed May 30, 2003.

Further correspondence with respect to this matter should be addressed as follows:

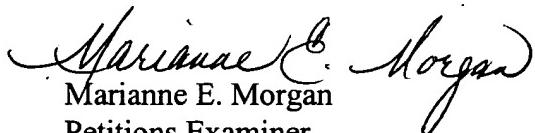
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Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

  
Marianne E. Morgan  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy